

**Effective 6/1/2022**

**17-27a-401 General plan required -- Content -- Resource management plan -- Provisions related to radioactive waste facility.**

- (1) To accomplish the purposes of this chapter, a county shall prepare and adopt a comprehensive, long-range general plan:
  - (a) for present and future needs of the county;
  - (b)
    - (i) for growth and development of all or any part of the land within the unincorporated portions of the county; or
    - (ii) if a county has designated a mountainous planning district, for growth and development of all or any part of the land within the mountainous planning district; and
  - (c) as a basis for communicating and coordinating with the federal government on land and resource management issues.
- (2) To promote health, safety, and welfare, the general plan may provide for:
  - (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;
  - (b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;
  - (c) the efficient and economical use, conservation, and production of the supply of:
    - (i) food and water; and
    - (ii) drainage, sanitary, and other facilities and resources;
  - (d) the use of energy conservation and solar and renewable energy resources;
  - (e) the protection of urban development;
  - (f) the protection and promotion of air quality;
  - (g) historic preservation;
  - (h) identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by an affected entity; and
  - (i) an official map.
- (3)
  - (a)
    - (i) The general plan of a specified county, as defined in Section 17-27a-408, shall include a moderate income housing element that meets the requirements of Subsection 17-27a-403(2)(a)(iii).
    - (ii) On or before October 1, 2022, a specified county, as defined in Section 17-27a-408, with a general plan that does not comply with Subsection (3)(a)(i) shall amend the general plan to comply with Subsection (3)(a)(i).
  - (b) The general plan shall contain a resource management plan for the public lands, as defined in Section 63L-6-102, within the county.
  - (c) The resource management plan described in Subsection (3)(b) shall address:
    - (i) mining;
    - (ii) land use;
    - (iii) livestock and grazing;
    - (iv) irrigation;
    - (v) agriculture;
    - (vi) fire management;
    - (vii) noxious weeds;
    - (viii) forest management;
    - (ix) water rights;

- (x) ditches and canals;
  - (xi) water quality and hydrology;
  - (xii) flood plains and river terraces;
  - (xiii) wetlands;
  - (xiv) riparian areas;
  - (xv) predator control;
  - (xvi) wildlife;
  - (xvii) fisheries;
  - (xviii) recreation and tourism;
  - (xix) energy resources;
  - (xx) mineral resources;
  - (xxi) cultural, historical, geological, and paleontological resources;
  - (xxii) wilderness;
  - (xxiii) wild and scenic rivers;
  - (xxiv) threatened, endangered, and sensitive species;
  - (xxv) land access;
  - (xxvi) law enforcement;
  - (xxvii) economic considerations; and
  - (xxviii) air.
- (d) For each item listed under Subsection (3)(c), a county's resource management plan shall:
- (i) establish findings pertaining to the item;
  - (ii) establish defined objectives; and
  - (iii) outline general policies and guidelines on how the objectives described in Subsection (3)(d) (ii) are to be accomplished.
- (4)
- (a)
- (i) The general plan shall include specific provisions related to an area within, or partially within, the exterior boundaries of the county, or contiguous to the boundaries of a county, which are proposed for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive nuclear waste, as these wastes are defined in Section 19-3-303.
  - (ii) The provisions described in Subsection (4)(a)(i) shall address the effects of the proposed site upon the health and general welfare of citizens of the state, and shall provide:
    - (A) the information identified in Section 19-3-305;
    - (B) information supported by credible studies that demonstrates that Subsection 19-3-307(2) has been satisfied; and
    - (C) specific measures to mitigate the effects of high-level nuclear waste and greater than class C radioactive waste and guarantee the health and safety of the citizens of the state.
- (b) A county may, in lieu of complying with Subsection (4)(a), adopt an ordinance indicating that all proposals for the siting of a storage facility or transfer facility for the placement of high-level nuclear waste or greater than class C radioactive waste wholly or partially within the county are rejected.
- (c) A county may adopt the ordinance listed in Subsection (4)(b) at any time.
- (d) The county shall send a certified copy of the ordinance described in Subsection (4)(b) to the executive director of the Department of Environmental Quality by certified mail within 30 days of enactment.
- (e) If a county repeals an ordinance adopted under Subsection (4)(b) the county shall:
- (i) comply with Subsection (4)(a) as soon as reasonably possible; and

- (ii) send a certified copy of the repeal to the executive director of the Department of Environmental Quality by certified mail within 30 days after the repeal.
- (5) The general plan may define the county's local customs, local culture, and the components necessary for the county's economic stability.
- (6) Subject to Subsection 17-27a-403(2), the county may determine the comprehensiveness, extent, and format of the general plan.
- (7) If a county has designated a mountainous planning district, the general plan for the mountainous planning district is the controlling plan.
- (8) Nothing in this part may be construed to limit the authority of the state to manage and protect wildlife under Title 23, Wildlife Resources Code of Utah.
- (9) On or before December 31, 2025, a county that has a general plan that does not include a water use and preservation element that complies with Section 17-27a-403 shall amend the county's general plan to comply with Section 17-27a-403.

Amended by Chapter 282, 2022 General Session

Amended by Chapter 406, 2022 General Session